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NEW DELHI, THURSDAY, JULY 17, 1997/ASADHA 26, 1919

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 17 जुलाई, 1997

का. आ. 505(अ).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यूनाइटेड लिबरेशन फ्रन्ट ऑफ असम (अल्फा) को भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 824 (अ), तारीख 27 नवम्बर, 1996 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा विधि विरुद्ध संगम घोषित किया था,

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का आ 886 (अ), तारीख 30 दिसम्बर, 1996 द्वारा विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण का गठन किया था, जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री डी के जैन थे,

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना को 20 दिसम्बर, 1996 को इस बात के न्यायनिर्णयन के प्रयोजन के लिए उक्त अधिकरण को निर्दिष्ट किया था कि क्या उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण था अथवा नहीं,

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में की गई घोषणा की पुष्टि करते हुए, तारीख 21 मई, 1997 को एक आदेश किया था,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण के उक्त आदेश को प्रकाशित करती है, अर्थात् :—

—अंग्रेजी पाठ के अनुसार—

नई दिल्ली में 20 मई, 1997 को हस्ताक्षरित तथा मुपुर्द

न्यायमूर्ति डी के जैन,

विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण

[फा सं 11011/24/96-एन.ई 4]

जी. के. पिल्लै, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 17th July, 1997

S.O. 505 (E)—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the United Liberation Front of Assam (ULFA) to be an unlawful association vide notification of the Government of India in the Ministry of Home Affairs number S O 824 (E), dated the 27th November, 1996 (hereinafter referred to as the said notification),

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Ministry of Home Affairs number S.O. 886 (E), dated the 20th December, 1996, the Unlawful Activities (Prevention) Tribunal, consisting of Justice Shri D.K. Jain, Judge of Delhi High Court;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 20th December, 1996, for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 21st May, 1997, confirming the declaration made in the said notification;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal namely:-

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL**In re: United Liberation Front of Asom****CORAM:****Hon'ble Mr. Justice D.K.Jain**

**Present: Mr. A.K.Vall, Standing Counsel for UOI
Mr. Shakil Ahmed Syed with Mr.M.Tayyab Khan,
and Ms. K.B.Hina, counsel for the State of
Assam.
United Liberation Front of Asom - ex parte.**

ORDER

1. In exercise of powers conferred under sub-section (1) of Section 3 of The Unlawful Activities (Prevention) Act, 1967, (for short the Act), the Central Government vide notification No.S.O.824(E), dated 27 November 1996 has, for the reasons stated therein, declared the United Liberation Front of Asom (hereinafter referred to as ULFA) to be an unlawful association with immediate effect and further in exercise of the powers conferred by proviso to sub-section (3) of Section 3 has directed that subject to any order that may be made under Section 4 of the Act, the notification shall have effect from the date of its publication in the official gazette. The notification has been published in the Gazette of India (extra-ordinary), Part II, Section 3, sub-section (ii) on 27 November 1996.

2. Consequent upon the said notification, by a separate notification No.S.O.886(E), dated 20 December 1996, the Government of India, Ministry of Home Affairs, New Delhi, constituted this Tribunal under Section 5 of the Act and made this reference under Section 4 of the Act for the purpose of adjudicating whether or not there is sufficient cause for declaring the U.L.F.A. as an unlawful association. The reference was received the same evening along with a copy of the Gazette notification dated 27 November 1996, specifying the grounds for its issue, as also a copy of the notification dated 20 December 1996, constituting the Tribunal and a brief resume regarding the aims and objectives and violent activities of U.L.F.A. The said resume highlights the following facts which evidently form the basis for the grounds for issue of the notification under Section 3(1) of the Act:

(1)U.L.F.A. was formed in 1979 in the wake of the agitation launched by the All Assam Students' Union on the foreigners' issue. It is a secessionist organisation whose declared objective is to 'liberate' Assam from what it calls the Indian colonial regime. As per its constitution, its aims and objectives are as follows:

a) to achieve sovereignty of Assam by armed revolution;

b) to safeguard the people and interest of Assam and its neighbouring lands i.e. Nagaland, Manipur, Mizoram, Meghalaya, Arunachal Pradesh and Tripura;

c) to have full control over the revenue resources of Assam such as oil and natural gas, forests etc.;

d) to gain public support against Indian and non-Indian exploitation;

e) to stand up against any suppression and repression of the Assamese masses;

f) to fight against forces of common and specific interest;

g) to open the field of discussion and understanding for political support with foreign countries in conformity with the aims and objects of ULFA for achieving the goal and design; and

h) to exchange thoughts and mutual help with the countries having identical thoughts and ideology and political notions."

(ii) In view of the increased secessionist and violent activities of U.L.F.A., it was declared as an unlawful association w.e.f. 27 November 1990. The whole of Assam was declared a disturbed area under the

Armed Forces (Special Powers) Act, 1958 w.e.f. the same date and the army was inducted under operation "Bajrang" in aid of civil authorities. The pressure mounted on U.L.F.A. helped considerably to curb its violent activities. However, U.L.F.A. resumed its violent activities in a big way in May-June 1991 and the Government of Assam had to re-deploy the army under operation "Rhino" on 15 September 1991. Since the lethal potential of U.L.F.A. was not completely neutralised and it continued its secessionist and violent activities, a fresh ban was imposed on it w.e.f. 27 November 1992 under the Act, which had the effect of restricting its strong hold to six districts of Assam only. The districts in which it was active were Nalbari, Darrang, Nowgong, Sibsagar, Dibrugarh and Tinsukhia.

(iii) Subsequently U.L.F.A. outfit was again able to re-group itself and expand its activities, which spread over practically in the whole of Assam. Since it had not given up its goal of liberation of Assam from the Indian union through an armed struggle and continued to pursue strategy of waging armed struggle to achieve its professed aim, a ban was re-imposed on it w.e.f. 27 November 1994.

(iv) There has been no change in the aims/objectives of U.L.F.A. which it continues to

pursue assiduously. It has been indulging in killings, acts of extortion, kidnappings, intimidation etc. in its areas of influence. To attain its objective it has been advocating and practising the annihilation of its perceived "enemies" by strengthening its operational base; building up of arsenals and raising funds to sustain well trained corps of volunteers. In furtherance of its aims, U.L.F.A. has also deployed an intricate web of linkages with other unlawful associations operating in the North Eastern region like the National Socialist Council of Nagaland(NSCN), National Democratic Front of Boroland(NDFB), the United National 'Liberation Front of Manipur (UNLF) and the People's Liberation Army of Manipur (PLA). Its links with other militant outfits of the North 'East are aimed at training U.L.F.A. cadres and engaging its activists in unlawful and secessionist activities. It has also established hide outs and training camps across the border to pursue its secessionist objectives.

(v) The present strength of Assam wing of U.L.F.A. is estimated to be around 1000 but the reports indicate that fresh recruitment drive all over Assam and general mobilisation of the outfit has been undertaken. The influence of U.L.F.A. has spread over all over Brahmaputra valley and it has the capability to strike at will.

(vi) It is estimated that U.L.F.A. is in possession of sophisticated arms which include AK 47/56 series rifles, stenguns, carbines, LMGs, pistols/revolvers, rocket launchers, hand grenades, 2" mortars, plastic explosives etc. It has also acquired expertise in using improvised explosive devices.

(vii) U.L.F.A. related violence is directed mainly against non-Assamese businessmen, police personnel, members/leaders of the political parties opposed to its ideology and surrendered ULFA(SULFA) activists. The violence perpetrated by U.L.F.A. is meticulously planned and executed with the intention of terrorising different sections of population. It has been responsible for collecting huge sums of money through coercive methods from businessmen, contractors, doctors, lawyers and even teachers working in small towns of Assam. If its demands are not met, threat of death penalty is held out to the person(s) concerned.

(viii) Despite the ban imposed on this outfit, U.L.F.A. has been indulging in various illegal activities with a view to disrupt the sovereignty and integrity of India and to create a deep sense of insecurity among the people. During the period from 24 May 1994 to 27 October 1996 U.L.F.A. outfit has

indulged in 152 reported violent incidents, including 103 killings and 48 kidnappings. Various other incidents of killing by throwing hand grenades, laying ambushes, indiscriminate firing, identifiable with U.L.F.A. outfits have been enumerated in the resume.

3. In the resume it has also been stated that unlawful activities of ULFA, which include killing of security forces personnel, looting of arms and ammunitions from them, kidnapping of persons with a view to extract huge sums of ransom, maintaining close nexus with other unlawful associations, clearly establish the terrorist and secessionist designs of the insurgent outfit which is waging a war of insurrection against the Government of India from its safe sanctuaries in Myanmar, Bangladesh and Bhutan and is being supported by various anti-Indian quarters including Pakistani ISI agents. It is pleaded that the activities of U.L.F.A. are threats to the sovereignty, integrity and security of India. In view of its aforementioned activities during the last two years the Government of India, Ministry of Defence and the Intelligence Bureau recommended that this militant outfit be declared as an unlawful association for a further period of two years beyond 26 November 1996. Accepting the said recommendation the present notification has been issued.

4. On receipt of the reference under sub-section (1) of Section 4 of the Act, notice under sub-section (2) of the said Section was directed to be issued to U.L.F.A., calling upon it to show cause in writing within thirty days of the date of service of the notice why the association should not be declared unlawful and why order should not be made confirming the declaration made in the notification dated 27 November 1996. The notice was directed to be served on U.L.F.A by publication in the newspapers published and circulated in the State of Assam and by affixing a copy thereof to some conspicuous part of the office of U.L.F.A., if any, as also serving a copy of the notice on the principal office bearers of the association and displaying the same at prominent public areas including the office of the District Magistrates, as per some of the modes prescribed under Rule 6 of the Unlawful Activities (Prevention) Rules, 1968.

5. In response thereto affidavits of service of notice have been filed on behalf of the Central Government and the State of Assam. Copies of the English and Assamese dailies, having wide circulation in the State of Assam, wherein the notices about the constitution of this Tribunal and calling upon the U.L.F.A. to show cause, were published, have been filed. In the affidavit of service of notice filed on

behalf of Government of Assam, it has been stated that notices have also been served on some of the self-styled office bearers of the U.L.F.A by either serving the same on their close relations or by pasting them on the front walls of their houses in the presence of witnesses. It is also stated therein that a copy of the notice was also displayed on the notice boards of the offices of the Dy. Commissioner of Dibrugarh and Sibsagar Districts. I am satisfied with the service of show cause notice in terms of sub-section (2) of Section 4 of the Act.

6. Despite service of notice, neither anyone has put in appearance on behalf of U.L.F.A. nor any cause has been shown by it or on its behalf. It has accordingly been proceeded ex parte. The Central Government is represented by Shri A.K.Vali, Advocate. The State of Assam is represented by Shri Shakil Ahmed Syed with Mr.M.Tayyab Khan and Ms.K.B.Hina, Advocates.

7. On behalf of the Central Government, by way of evidence, an affidavit dated 17 March 1997 has been filed by Shri L.K.Prasad, Under Secretary in the Ministry of Home Affairs, Government of India, New Delhi along with certain documents. Similarly on behalf of the State of Assam, an affidavit dated 14 March 1997 by way of evidence has been filed by Shri J.H.Ahmed, Superintendent of Police, Special Operation

Unit (SOU), Assam, along with certain documents.

8. The Central Government and the State of Assam were granted opportunity to adduce oral evidence or produce any further material to substantiate their stand that there was sufficient cause for declaring U.L.F.A. as an unlawful association. The State of Assam has examined two witnesses and the Central Government has produced one witness. The witnesses whose oral testimony was recorded are Shri Debendranath Hazarika, Superintendent of Police, Nalbari District, Assam(P.W.1), Shri J.H.Ahmed, Superintendent of Police, Special Operation Unit (SOU), Assam (P.W.2) and Shri L.K.Prasad, Under Secretary, Ministry of Home Affairs, Government of India, New Delhi (P.W.3).

9. The issue to be considered is whether on the facts and circumstances stated in the notification, dated 27 November 1996 and the resume accompanying the reference, there is sufficient cause for declaring the U.L.F.A. unlawful?

10. P.W.1, Shri Debendra Nath Hazarika has deposed that as Superintendent of Police, Nalbari District, Assam, since 9 August 1996 he has been looking after the security of the area falling within Nalbari District where the U.L.F.A. activists are quite active. He has stated that he is conversant with the

unlawful activities being carried on by the U.L.F.A. activists. He has deposed that U.L.F.A. activists have been distributing leaflets to spread the message of secession from the Republic of India. While narrating the activities of U.L.F.A. activists and their indulging in extortion of money, kidnapping and killings, he has proved an incident which took place on 31 December 1995 when Shri Bhumidhar Burman, Minister for Health and Panchayat of Assam was attacked by a group of 15/20 U.L.F.A. activists with sophisticated arms and ammunition, resulting in death of three persons on the spot and injuries to six others. He also proved another incident which took place on 18 August 1996 when a BSF patrol party was ambushed by suspected U.L.F.A. activists in which eight BSF personnel, one Assam Police Constable and one civilian were killed on the spot and seven BSF personnel were injured. Yet another major incident involving U.L.F.A. activists, which took place on 4 June 1996 was also proved by P.W.1. In this incident an attempt was made to loot a sum of Rs.1.20 crores, at Bihampur when it was being carried from Reserve Bank of India, Guwahati Branch to Central Bank of India, Belsore Branch, escorted by a police party. Though the U.L.F.A. activists failed in their attempt to take away the said money, in cross firing between

the Police escort party and the U.L.F.A. activists one Inspector of Police died on the spot while one Havildar and a Constable sustained grievous bullet injuries. One extremist, who was later identified as Pankaj Baruah of Titabor was also killed on the spot. A large quantity of ammunition was recovered from the place of occurrence and one grenade was recovered from the pocket of the said deceased extremist.

11. P.W.2 Shri J.H.Ahmed, who as Superintendent of Police is incharge of Special Operation Unit, Assam, assigned with the duties to keep a watch on the activities of extremists in the entire State of Assam, besides proving the affidavit filed by him on 14 March 1997 (Ex. P.W.2/A), proved five major incidents involving U.L.F.A. extremists. In one of the incidents which took place on 16 May 1996, Superintendent of Police, Tinsukhia and his driver were killed on the spot and eight police personnel and nine civilians sustained grievous injuries, in an ambush laid by the U.L.F.A. militants, out of which three police personnel and two civilians succumbed to their injuries. In the second incident which took place on 27 July 1996, three armed U.L.F.A. activists attacked C.R.P.F. officials near a restaurant in broad day light, resulting in the death of a Dy. Commandant on the spot and two officials sustaining

severe bullet injuries. In this incident two onlooker civilians sustained bullet injuries and later one of them succumbed to his injuries in the hospital. He also that U.L.F.A. activists claimed the responsibility for the said attack. This was also code named as operation "Pratiddhani" and was widely reported in the press. The third incident proved by the said witness took place on 21 September 1996 when U.L.F.A. activists shot dead one Inspector General of Police (CID), Assam, Shri S.K.Deb, when he came out of his house for the morning walk. Responsibility for the said killing was also claimed by U.L.F.A. activists. Another incident proved by Shri Ahmed took place on 28 April 1996 when some un-identified extremists opened fire on two Army officials when they were coming out of a temple in Guwahati after offering prayers and as a result thereof both of them received grievous injuries and later one of them succumbed to his injuries in the hospital. U.L.F.A. activists claimed responsibility for the said incident also, which was code named as "Operation Lion". P.W. 2 has also deposed that the conditions in the State had become so bad that the Central Government had to constitute a force under the over all command of General officer Commanding, 4 Corps, having a unified command over all the para-military forces and the

State Police to coordinate the anti-insurgency operations by the Army, para-military forces and the State Police.

12. P.W. 3, Shri L.K.Prasad prove affidavit dated ^{by} 17 March 1997 (Ex. P.W.3/A). He also proved the constitution of U.L.F.A., which formed part of his affidavit. He deposed that U.L.F.A. was declared an unlawful association for the first time by notification dated 27 November 1990, again on 27 November 1992, then on 27 November 1994 and all these notifications were confirmed by the respective Tribunals constituted under the Act. He also proved a tabulated statement (P.W. 3/C) giving district wise figures of recovery of various types of ammunitions, vehicles and currencies from U.L.F.A. cadres between the period from 24 May 1995 to 27 October 1996. He stated that the present notification was issued on receipt of a report, accompanied by a note giving a detailed account of the violent activities of U.L.F.A. (Ex.P.W.3/D), from the State of Assam, recommending imposition of ban on U.L.F.A. under the Act for a further period of two years. He further deposed that as per the report (Ex. P.W. 3/D), the U.L.F.A. outfit had indulged in 152 reported violent incidents during the period from 24.5.95 to 27.10.96, which included cases of 103 killings and 48 kidnappings.

13. From the aforementioned affidavits as well as the oral and documentary evidence brought on record it appears that the U.L.F.A. was formed sometime in 1979 and presently it maintains close association with other unlawful associations like, NDFB, NSCN, UNLF etc. Its main aim and objective, as reflected in its constitution, referred to above is to liberate the State of Assam from Indian republic through armed struggle and to achieve the aforesaid objective it has encouraged and aided its members to commit unlawful activities mentioned above.

14. In the absence of denial of any allegations made in the affidavits filed on behalf of the Central Government and the State of Assam and any evidence in rebuttal on record, there is no reason to doubt the credibility of the version placed before the Tribunal by the officers of the Union and the State Government, the incidents of killings and attempt to loot the currency, cited by the witnesses are based on their personal knowledge, being incharge of the security in their capacities as Superintendent of Police of the U.L.F.A. infected areas; Superintendent of Police, incharge of Special Operation Unit, assigned with the duties to keep a watch on the activities of extremists in the State of Assam and the third witness being an official in the Ministry of Home Affairs, Government

of India, New Delhi. directly dealing with the affairs of the State of Assam since 1991.

15. From the material placed on record by the Central Government and the State of Assam it appears that the U.L.F.A. is an armed insurrectionary organisation with its primary aim and objective to liberate the State of Assam from the Indian republic through armed struggle, in association with other unlawful associations in the region within India, thereby threatening the sovereignty and integrity of India.

16. In view of the evidence on record I am satisfied that there is sufficient cause for declaring United Liberation Front of Asom to be an unlawful association by notification No.824(E), dated 27 November 1996, issued by the Government of India, Ministry of Home Affairs, under Section 3(1) of the Act. Accordingly, the declaration made by the Government of India in the said notification is hereby confirmed.

Signed and delivered this 21st day of May 1997
at New Delhi.”

JUSTICE D. K. JAIN,
Unlawful Activities (Prevention) Tribunal
[F No 11011/24/96-NE.IV]
G. K. PILLAI, Jt. Secy.